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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,314	06/14/2001	Ullas Gargi	10006285-1	8423

7590 08/12/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

VU, NGOC K

ART UNIT	PAPER NUMBER
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2611

6

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,314

Applicant(s)

GARGI, ULLAS

Examiner

Ngoc K. Vu

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21 and 22 is/are allowed.
- 6) ☒ Claim(s) 1-7,9,11-15,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 8,10 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 and 17-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims **15 and 17-19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 is indefinite because there is no antecedent basis for the limitation "said variety of commercial broadcasts" in line 7.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims **1-3, 9, 15, 17 and 19** are rejected under 35 U.S.C. 102(b) as being anticipated by Nijima et al (US 5,926,230 A).

Regarding **claim 1**, Nijima discloses an interface method for viewing and selecting among a variety of currently available commercial broadcasts (*a method for viewing and*

selecting among a variety of currently programs – see col. 1, lines 60-64) comprising the steps of:

determining an association of each said commercial broadcast with a program category of a plurality of program categories (receiver 2 reads category of a program from EPG data and arranges such reduced screens for individual program categories on a virtual frame memory 49. In particular, where the broadcasting side adds the category of a program to a reduced screen, the receiver can be constructed such that a remote command 5 is manually operated to set the order of categories of programs so that reduced screens are successively arranged in the set order on the virtual frame memory 49 beginning with the uppermost horizontal row. For example, programs in first row are in News category, programs in second row are Movie...etc as shown in figure 5. It is to be noted that the EPG data of the programs of the television channels includes broadcasting starting times, broadcasting channel numbers, program categories, program names...etc – see col. 19-20, lines 67-17; col. 27, lines 48-60; col. 11, lines 18-23; and figure 5); and

within a single viewing screen, simultaneously presenting video broadcast information directly from full-scale video information for each of said commercial broadcasts (within a single viewing screen, as shown in figures 5 & 9, simultaneously presenting video broadcast content directly from full moving pictures for each of programs – see col. 22, lines 30-34; col. 19, lines 42-48; col. 23, lines 1-5 and figures 5 & 9; col. 9, lines 26-31), including:

generating reduced-scale presentations of each of said commercial broadcasts (generating reduced screens of each of programs), including locally originating said reduced-scale presentations from said full-scale video information for exclusive display on said viewing screen (receiver generates reduce screens from full moving pictures for exclusive display on the

viewing screen such that contents of programs or reduced screens can be observed in full motion – see col. 19, lines 32-48 and figures 5 & 9); and

dynamically clustering said reduced-scale presentations in correspondence with said program categories (gathering the reduced screens in correspondence with program categories in rows, e.g., the reduced screens in first row correspond with News category, the reduced screens in second row correspond with Movie category, the reduced screens in third row correspond with Music category as shown in figure 5 – see figure 5; col. 10, lines 1-13), including displaying a plurality of clusters of said reduced-scale presentations in which each said cluster includes said reduced-scale presentations for all of said commercial broadcasts associated with said program category that corresponds to said cluster (displaying a plurality of clusters of the reduced screens in rows in which each cluster or row includes the reduced screens for all of programs associated with program category that corresponds to the cluster or row – see figure 5 and col. 10, lines 1-13);

thereby utilizing said viewing screen to display each said cluster as a totality of said commercial broadcasts that are currently available within said program category that corresponds to said cluster (using the viewing screen to display each cluster or each row as a totality of the programs that are currently available within the program category that corresponds to the cluster or the row for preview – see figure 5; col. 10, lines 1-13; col. 12, lines 26-30; col. 9, lines 32-35).

Regarding **claim 2**, Nijima discloses the interface method of claim 1 wherein said step of dynamically clustering includes varying a number of said reduced-scale presentations in said clusters as a function of changes in said commercial broadcasts (*varying a number of the reduced scales in the clusters or rows as a function of changes in the programs, for example,*

the reduced screens may be arranged in a 3x3, 4x2, 4x4 or 3x2 matrix...etc – see col. 29, lines 50-62; col. 21, lines 54-65).

Regarding **claim 3**, Nijima discloses that wherein said commercial broadcasts are television broadcasts carried via television channels (*the programs are television broadcasts via television channels – see col. 5, lines 31-44; col. 9, lines 18-31*), said step of determining said association for each said commercial broadcast including monitoring reception of said television channels at a location of said viewing screen to detect tag information that is specific to current programs available via said television channels (*monitoring reception of the television channels at the receiver to detect EPG data that is specific to current programs available via television channels. It is to be noted that the EPG data of the programs of the television channels includes broadcasting starting times, broadcasting channel numbers, program categories, program names...etc – see col. 11, lines 11-23; col. 19-20, lines 67-15*).

Regarding **claim 9**, Nijima discloses the step of generating the reduced-scale presentations includes displaying incoming television programs in real time (*It is to be noted that programs of television channels are decoded via real time decoders, and while the viewer observes the reduced screen of full motion at which the cursor is positioned, the viewer can listen to sound incidental to the reduced screen simultaneously on the real time basis. Thus, the incoming television programs are displayed in real-time – see col. 23, lines 1-5; col. 19, lines 42-48; col. 14, lines 49-53*), such that said reduced-scale presentations in each said cluster are miniaturized displays which are in constant synchronization with said television programs (*the reduced screens in each cluster or row are miniaturized displays which are in constant synchronization with the television programs since each of the reduced screens exhibits an image of full motion. If the entire virtual frame memory 49 is displayed, then contents of programs of television channels can be observed in full motion – see col. 19, lines 42-48*).

Regarding **claim 15**, Nijima discloses a system for viewing and selecting among a variety of currently available commercial broadcasts (*a method for viewing and selecting among a variety of currently programs – see col. 1, lines 60-64*) comprising:

a detector (29 – see *figure 11A*) configured to identify each said commercial broadcast with a program category of a plurality of program categories (*CPU 29 of receiver 2 reads category of a program from EPG data and arranges such reduced screens for individual program categories on a virtual frame memory 49. In particular, where the broadcasting side adds the category of a program to a reduced screen, the receiver can be constructed such that a remote command 5 is manually operated to set the order of categories of programs so that reduced screens are successively arranged in the set order on the virtual frame memory 49 beginning with the uppermost horizontal row. For example, programs in first row are in News category, programs in second row are Movie...etc. as shown in figure 5. It is to be noted that the EPG data of the programs of the television channels includes broadcasting starting times, broadcasting channel numbers, program categories, program names...etc – see col. 19-20, lines 67-17; col. 27, lines 48-60; col. 11, lines 18-23; col. 20, lines 54-60 and figure 5*);

a video processor (25, 27 & 29 – see *figure 11B*) connected to receive said commercial broadcasts and configured to output reduced-scale presentations of said commercial broadcasts from said variety of commercial broadcasts (*video processor connected to receive programs and configured to output reduced screens of the programs – see col. 22, lines 53-57; col. 23, lines 59-61 and figure 11B*), said reduced-scale presentations being continuously updated video broadcast information (*the reduced screens are stored in the virtual frame to update the stored reduced screens. It is to be noted that the each of reduced screens exhibits an image of full motion of the frame rate of 30fps and provides content of program in real time basis so that the viewer can observe preview screens and recognize contents of the programs*

of the channels being currently broadcast. Thus, the reduced screens is being continuously updated video broadcast content – see col. 13, lines 24-30; col. 19, lines 42-48; col. 23, lines 1-5; col. 9, lines 32-35); and

a viewing screen (4 – see figures 3, 9 & 10) cooperative with said detector and said video processor to display said reduced-scale presentations in clusters that have a one-to-one correspondence with said program categories (monitor cooperative with detector and video processor to display the reduced screens in clusters or rows that have a one-to-one correspondence with the program categories, for example, the reduced screens in first row correspond with News category, the reduced screens in second row correspond with Movie category, the reduced screens in third row correspond with Music category as shown in figure 5 – see figure 5; col. 10, lines 1-13; col. 19-20, lines 1-7; col. 22, lines 45-58), with all of said commercial broadcasts that are identified with one of said program categories being simultaneously displayed (all of programs that are identified with one of the program categories, as shown in figures 5 & 9, being simultaneously displayed – see col. 22, lines 30-34; col. 19, lines 42-48; col. 23, lines 1-5 and figures 5 & 9; col. 9, lines 26-31), said video processor and said viewing screen being operatively associated such that said reduced-scale presentations are available exclusively for said viewing device (the video processor and the monitor being operatively associated such that the reduce screens are available exclusive for the monitor 4 – see col. 19, lines 32-48 and figures 5 & 9).

Regarding **claim 17**, Nijima discloses the system of claim 15 wherein said video processor is configured to continuously update the video broadcast information relevant to each said reduced-scale presentation *(the video processor is configured to continuously update the video broadcast content relevant to each reduced screen. Namely, the reduced screens are stored in the virtual frame to update the stored reduced screens. It is to be noted that the each*

of reduced screens exhibits an image of full motion of the frame rate of 30fps and provides content of program in real time basis so that the viewer can observe preview screens and recognize contents of the programs of the channels being currently broadcast. Thus, the video broadcast content relevant to each reduced screen is being continuously updated – see col. 13, lines 24-30; col. 19, lines 42-48; col. 23, lines 1-5; col. 9, lines 32-35), such that said reduced-scale presentations are ongoing displays of said commercial broadcasts in real time (It is to be noted that programs of television channels are decoded via real time decoders, and while the viewer observes the reduced screen of full motion at which the cursor is positioned, the viewer can listen to sound incidental to the reduced screen simultaneously on the real time basis. Thus, the incoming television programs are displayed in real-time – see col. 23, lines 1-5; col. 19, lines 42-48; col. 14, lines 49-53).

Regarding **claim 19**, Nijima further discloses memory (38 – see figure 11A) stores historical information indicative of selections of said commercial broadcasts by a viewer (*memory 38 stores the enjoyment time number indicative of historical information regarding selections of the programs by a viewer – see col. 27, lines 5-32; col. 28, lines 3-4*), said memory being accesses by the video processor to control arrangement of said clusters and said reduced-scale presentations within said clusters as a function of said historical information (*the memory 38 being accessed by the video processor to control arrangement of the clusters or rows and the reduced screens within the clusters as function of the enjoyment time number. Namely, the video processor can control arrangement of rows, e.g., for example, the reduced screens may be arranged in a 3x3, 4x2, 4x4 or 3x2 matrix...etc and re-arrange the reduced screens stored in the virtual frame memory 49 such that reduced screens of programs enjoyed frequently by the viewer, e.g., reduced screens of programs in favorite category, can be*

displayed in preview screen as favorite row – see col. 29, lines 50-62; col. 21, lines 54-65; col. 27, lines 15-32; col. 27, lines 54-60; col. 28, lines 3-4 and figure 25).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims **6, 7, 11-13 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nijima et al (US 5,926,230 A) in view of Sciammarella et al. (US 6,425,129 B1).

Regarding **claim 6**, Nijima shows presenting the video broadcast information within at least one said cluster (*displaying the video broadcast contents within rows – see figures 5*), and further discloses the step of enabling said user to select any said reduced-scale presentation in any said cluster for viewing in a full-screen mode of operation (*when a reduced screen from preview screen is selected, a screen of the full size corresponding to the selected reduced screen is displayed – see col. 12, lines 38-46 and figure 7*).

Nijima does not disclose the features overlapping the reduced screens and enabling a user to select reduced screen in at least one row has the appearance of being the foremost reduced screen.

However, Sciammarella shows the channels overlapping for preview as illustrated in figures 8A-B. Sciammarella also teaches that if a user continues to preview channels by maintaining the jog dial 320 in B1 position, the channels will rotate clockwise along the channel information positions 802, 804. The channel in remaining channel location 804c, e.g., CH 02

TNT, will rotate into the main channel location 802 as the next/currently previewed channel, and will have video and audio along with the other channel information. Additionally, the channel previously in the main channel location 802, e.g., CH 03 ABC, would rotate into remaining channel location 804d, the channel residing in location 804b would move to location 804c, and so on (see col. 9, lines 4-26 and figures 7A-8B).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nijima by overlapping the channels for previews and enabling a user to select a channel has appearance of being the foremost channel as taught by Sciammarella in order to save space on the preview screen.

Regarding **claim 7**, Nijima discloses maintaining historical information regarding user selections (*memory 38 stores the enjoyment time number indicative of historical information regarding user selections of the programs – see col. 27, lines 5-32; col. 28, lines 3-4*); and arranging said clusters and arranging said reduced-scale presentations within said clusters as a function of said historical information (*arranging the clusters or rows, for example, the reduced screens may be arranged in a 3x3, 4x2, 4x4 or 3x2 matrix...etc, and arranging the reduced screens stored in the virtual frame memory 49 such that reduced screens of programs enjoyed frequently by the viewer, e.g., reduced screens of programs in favorite category, can be displayed in preview screen as favorite row – see col. 29, lines 50-62; col. 21, lines 54-65; col. 27, lines 15-32; col. 27, lines 54-60; col. 28, lines 3-4 and figure 25*).

Regarding **claim 11**, Nijima discloses an interface method for viewing and selecting among a variety of television channels (*a method for viewing and selecting among a variety of currently programs – see col. 1, lines 60-64*) comprising the steps of:

receiving program transmissions at a particular site via said television channels
(receiving program transmissions at a receiver 2 via television channels – see col. 9, lines 13-26);

recurringly identifying a program category for each said television channel on a basis of a currently available program being broadcast via said television channel, said identifying occurring at said particular site *(receiver 2 reads category of a program from EPG data and arranges such reduced screens for individual program categories on a virtual frame memory 49. In particular, where the broadcasting side adds the category of a program to a reduced screen, the receiver can be constructed such that a remote command 5 is manually operated to set the order of categories of programs so that reduced screens are successively arranged in the set order on the virtual frame memory 49 beginning with the uppermost horizontal row. For example, programs in first row are in News category, programs in second row are Movie...etc as shown in figure 5. It is to be noted that the EPG data of the programs of the television channels includes broadcasting starting times, broadcasting channel numbers, program categories, program names...etc. The viewer can observe the preview screen and recognize contents of the programs of the channels being current broadcast. Thus, the receiver 2 recurringly identifies a program category for each said television channel on a basis of a currently available program being broadcast via said television channel – see col. 9, lines 32-35; col. 19-20, lines 67-17; col. 27, lines 48-60; col. 11, lines 18-23; and figure 5);*

originating reduced-scale presentations of each said currently available program from video signals of said currently available program *(providing reduced screens of each currently available program from video signals of the currently available program as shown in figure 5 – see figure 5; col. 9, lines 26-31),* said reduced-scale presentations being a manipulation of said

video signals that is original to said particular site (*the reduced screens are decompressed from compressed video signals for displaying – see col. 25, lines 6-14 and 40-46*);

displaying each said presentation on a single screen at said particular site, including grouping said presentations on a basis of said program categories, thereby displaying a number of groups that corresponds to the number of program categories (*displaying each reduced screen on a single screen at the receiver 2, as shown in figure 5, including grouping the reduced screens on a basis of program categories, thereby displaying a number of groups that corresponds to the number of program categories. For example, the reduced screens in first row correspond with News category, the reduced screens in second row correspond with Movie category, the reduced screens in third row correspond with Music category as shown in figure 5 – see figure 5 and col. 10, lines 1-13*);

enabling a viewer to remotely control browsing through said groups and browsing among said presentations within a specific group (*allowing a viewer to remotely control browsing through the groups or rows and browsing among reduced screens within a specific group or row – see col. 22, lines 59-61*); and

enabling said viewer to select a particular said presentation for full-screen viewing of the program from which said particular presentation was originated (*when a reduced screen from preview screen is selected, a screen of the full size corresponding to the selected reduced screen is displayed – see col. 12, lines 38-46 and figure 7*), wherein each selection for said full-screen viewing is exclusive to said single screen (*each selection for full screen is exclusive display to the single screen – see figures 5, 7 & 9*).

Nijima does not explicitly disclose each group having overlapping presentations. However, Sciammarella shows the channels overlapping for preview as illustrated in figures 8A-B. Sciammarella also teaches that if a user continues to preview channels by maintaining the

jog dial 320 in B1 position, the channels will rotate clockwise along the channel information positions 802, 804. The channel in remaining channel location 804c, e.g., CH 02 TNT, will rotate into the main channel location 802 as the next/currently previewed channel, and will have video and audio along with the other channel information. Additionally, the channel previously in the main channel location 802, e.g., CH 03 ABC, would rotate into remaining channel location 804d, the channel residing in location 804b would move to location 804c, and so on (see col. 9, lines 4-26 and figures 7A-8B).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nijima by overlapping the channels for previews and enabling a user to select a channel has appearance of being the foremost channel as taught by Sciammarella in order to save space on the preview screen.

Regarding **claim 12**, Nijima further discloses a step of arranging said groups and said presentations within said groups as a function of historical information that is representative of prior selections by said viewer (*arranging the groups or rows, e.g., for example, the reduced screens may be arranged in a 3x3, 4x2, 4x4 or 3x2 matrix...etc and arranging the reduced screens stored in the virtual frame memory 49 such that reduced screens of programs enjoyed frequently by the viewer, e.g., reduced screens of programs in favorite category, can be displayed in preview screen as favorite row as a function of historical information that is preventative of prior selections by the viewer – see col. 29, lines 50-62; col. 21, lines 54-65; col. 27, lines 15-32; col. 27, lines 54-60; col. 28, lines 3-4 and figure 25*).

Regarding **claim 13**, Nijima further discloses a step of enabling said viewer to selectively increase or decrease said number of groups by increasing or decreasing said number of program categories (*allowing the viewer to selectively increase or decrease the number of groups or rows by increasing or decreasing the number of program categories, for example, the*

reduced screens may be arranged in a 3x3, 4x2, 4x4 or 3x2 matrix...etc – see col. 29, lines 50-62; col. 21, lines 54-65).

Regarding **claim 20**, Nijima discloses that originating is a miniaturization of each said currently available program, such that said displaying enables continuous viewing of said program transmissions but at a miniaturized level *(the currently available programs in each row are miniaturized such that displaying enables continuous viewing of the program transmissions but at a miniaturized level since each of the reduced screens of the programs exhibits an image of full motion. If the entire virtual frame memory 49 is displayed, then contents of programs of television channels can be observed in full motion – see col. 19, lines 42-48).*

8. Claims **4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nijima et al (US 5,926,230 A) in view of Noguchi et al. (US 6,163,345 A).

Regarding **claim 4**, Nijima further discloses a step of enabling a user to initiate a preview button 143 in order to cause the monitor apparatus 4 to display a preview screen (see col. 17, lines 9-11).

Nijima does not explicitly disclose that at least one row or cluster is split into separate sub-categories or sub-clusters on the basis of genres. However, Noguchi teaches enabling the user to select one category, i.e., MOVIES category, then the MOVIES category is split into separate subcategories, i.e., CHILDREN, COMEDY, DRAMA, etc...for further selection as shown in figures 13A-B (see figure 13A-B; col. 9, lines 37-56). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nijima by splitting the selected category into separate sub-categories as taught by Noguchi in order to allow the user easily focus on the type of program her/his prefers.

Regarding **claim 5**, the combination teachings of Nijima and Noguchi further disclose the step of enabling the user includes providing cluster splitting into the sub-clusters on the basis of

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different sports and on the basis of different movie genres (*Noguchi teaches enabling the user to select one category, i.e., MOVIES category, then the MOVIES category is split into separate subcategories, i.e., CHILDREN, COMEDY, DRAMA, etc...for further selection as shown in figures 13A-B. The step of selecting SPORTS category and splitting into subcategory is similar as selecting MOVIES category above, not shown - see figure 13A-B; col. 9, lines 37-56*).

9. Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Nijima et al (US 5,926,230 A) in view of Sciammarella et al. (US 6,425,129 B1) and further in view of Noguchi et al. (US 6,163,345 A).

Regarding **claim 14**, the combination teachings of Nijima, Sciammarella and Noguchi further discloses the step of enabling increases includes providing cluster splitting according to genres (*providing sub-categories, i.e., sub-categories of MOVIES category as shown in figure 13B – see Noguchi: figure 13B*) and includes merging previously split clusters (*adding or grouping all sub-categories by selecting "ALL" - see Noguchi: figure 13B and col. 9, lines 46-51*).

Allowable Subject Matter

10. Claims **8, 10 and 18** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. Claims **21 and 22** are allowed.

12. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior arts, Nijima of the record discloses displaying a preview screen included arrangement of reduced screens in each row corresponding with each program category. Siammarella of the record discloses allowing user to selectively arrange overlapping channels by rotating a jog dial in a certain position. Nijima and Siammarella, either singularly or in combination, fail to anticipate or render the limitation "cycling an arrangement of said

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overlapping reduced-scale presentations in said at least one cluster such that each said overlapping reduced-scale presentation is periodically said foremost reduced-scale presentation" obvious as recited in claims **8 and 21**.

Nijima fails to teach or suggest the limitations "filtering television commercials, such that said reduced-scale presentations are static during said television commercials" as recited in **claim 10**; and "a commercial filter enabled to detect commercials and to inhibit said continuous updating during commercial times" as recited in claims **18 and 22**.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Examiner
Art Unit 2611

August 9, 2004